



General Assembly

February Session, 2004

Raised Bill No. 5517

LCO No. 1727

* _____HB05517PD____031504_____*

Referred to Committee on Planning and Development

Introduced by:
(PD)

***AN ACT CONCERNING RESPONSIBILITY FOR THE COSTS OF
REPAIR OF DIVISION FENCES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 47-51 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2004*):

3 (a) If any person neglects to keep [his] a division fence in repair, the
4 party aggrieved may call on the selectmen to view it, who, if they find
5 it insufficient, shall immediately give written notice thereof to the
6 person bound to repair it, and shall also mail to the owner of any
7 mortgage upon land which is partly bounded by the fence in question
8 a written notice of an order to repair such fence. If none of the parties
9 interested, to whom notice has been given, makes such repairs within
10 fifteen days from the time of giving such notice, the party aggrieved
11 may make such repairs and recover of the person bound to repair it
12 double the cost of such repairs as estimated in writing by the
13 selectmen and also the fees of such selectmen. Such sums shall
14 constitute a lien upon such land against all persons interested therein,
15 provided such lien shall be recorded in the office of the town clerk of
16 the town in which such land is situated within sixty days from the time

17 of completing such repairs. Such liens may be foreclosed in the manner
18 provided for the foreclosure of mortgages.

19 (b) Notwithstanding the provisions of subsection (a) of this section,
20 the proprietor of land that is not used for agricultural purposes that
21 abuts land that is used for agricultural purposes shall not be required
22 to pay any costs of repair of a division fence unless such proprietor (1)
23 intentionally causes damage to the fence; (2) causes substantial
24 damage to the fence through negligence; (3) repeatedly engages in
25 conduct which damages the fence; or (4) repeatedly allows others to
26 trespass across the land and such persons cause damage to the fence
27 and the proprietor knows of such damage or should know of it.

This act shall take effect as follows:	
Section 1	October 1, 2004

PD *Joint Favorable*